



Dryden Flight Research Center  
Edwards, California 93523

DCP-A-008  
Revision B

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# **Dryden Centerwide Procedure**

## **Code A**

### **Ratification of Unauthorized Commitments**

Electronically approved by  
Assistant Director of Management Systems

Check the list at <http://www.dfrc.nasa.gov/Business/DMS/index.html>.  
Before use, verify that this is the current version.

**Document History Log**

<b>Status Change</b>	<b>Document Revision</b>	<b>Effective Date</b>	<b>Page</b>	<b>Description of Change</b>
Baseline		1-19-99		
Revision	A	2-17-99		Deleted the bldg and room numbers from 6. Management System Records on page 3.
Revision	B		3, 4, 6-7	Added the objectives and management records sections. Provided additional clarification in paragraph 4.1. Added a sample ratification request letter as an appendix.

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## 1.0 PURPOSE OF DOCUMENT

This procedure establishes the process and accountability of individuals responsible for making unauthorized commitments.

## 2.0 SCOPE & APPLICABILITY

FAR 1.602-3      *Ratification of unauthorized commitments*

NFS 1801.602-3      *Ratification of unauthorized commitments*

## 3.0 PROCEDURE OBJECTIVES

1. To outline the process to ratify unauthorized commitments.
2. To detail the accountability of individuals associated with the ratification process.

## 4.0 INSTRUCTIONS

- 4.1. Ratification is the act of approving an unauthorized commitment by an official who has the authority to do so. The Procurement Officer has been delegated ratification authority by the Center Director. In accordance with NFS 1801.602-3(c)(7), the authority may be exercised only when –
  - (1) The employee who made the unauthorized commitment or his/her supervisor, if appropriate, initiates a purchase request.
  - (2) The purchase request and/or accompanying documentation identifies the individual who made the unauthorized commitment, and includes a statement signed by the individual that explains why normal acquisition procedures were not followed, explains why the firm was selected, lists other sources considered, describes the work, and estimates or states the agreed price.
  - (3) The purchase request is submitted through the director of the cognizant DFRC program office, or comparable official. In the purchase request, the director shall describe measures taken to prevent the recurrence of the unauthorized commitment.

4.2. Ratification of unauthorized commitments is made pursuant to FAR 1.602-3 and NFS 1801.602-3.

- FAR 1.602-3(a) - provides that an unauthorized agreement is not binding solely because the Government representative who made it lacked the authority to enter into that agreement on behalf of the Government”.
- NFS 1801.602-3(b) – states that individuals making unauthorized commitments may be subject to disciplinary action, and the issue may be referred to the Office of Inspector General.

4.3. The Government is not bound by commitments or agreements made by persons to whom authority to make such commitments or agreements has not been formally delegated. Such unauthorized acts may be in violation of Federal laws and regulations such as the Anti-Deficiency Act. In addition, unauthorized procurement actions do not constitute good business practices. It should be noted that Government employees who make unauthorized contract commitments may be held personally liable for the cost of the products or services.

4.4. If ratification requests are repeated by the same individual or if any request appears to be a deliberate attempt to circumvent proper procurement procedures, the request will be forwarded to the Center Director for appropriate action.

## **5.0 REVIEW AND APPROVAL**

A request for ratification will be submitted by the director of the cognizant program office to the Contracting Officer for review and approval by the Procurement Officer and legal counsel. The request will be assigned a ratification number by the Contracting Officer. Once the request is ratified, it will be forwarded to the appropriate Contracting Officer for processing. Each Contracting Officer is responsible to determine the price is fair and reasonable prior to award. A copy of the ratification and the award document will be provided to the Center Director. The Acquisition Management Office will give guidance and assistance in preparing the ratification letter.

## **6.0 LIST OF APPENDICES**

Appendix A—Sample Letter For Requesting Ratification

## **7.0 MANAGEMENT SYSTEM RECORDS & RETENTION**

Management System Records are maintained in the Acquisition Management Office.

- Ratification letter, sample

## APPENDIX A - SAMPLE LETTER FOR REQUESTING RATIFICATION

TO: A/Procurement Officer

THRU: A/Contracting Officer

FROM: Org Code/Director, Cognizant Organization

SUBJECT: Ratification of Unauthorized Action No. @  
***(Begin number with Purchase Request number, Code A will add  
ratification serial number)***

Your ratification of the unauthorized action in the amount of ***(enter dollar amount)*** is requested in accordance with FAR 1.602-3 and NFS 1801.602-3.

The following information explains/details the events surrounding the unauthorized commitment:

***(Include background information here –contents as explained below.)***

- Provide background information (including dollar value and dates of action) and description of circumstances under which the attempt to commit Government funds occurred.
- Provide any other pertinent data relating to the unauthorized commitment, including the description of the item/service obtained, and what benefit the Government received or will receive as a result. Has this item/service been accepted by the Government?
- Explain why the price should/should not be considered fair and reasonable.
- Give the name of the Directorate, Branch, and the employee who improperly authorized the expenditure. Attach a separate statement signed by the individual that explains why normal acquisition procedures were not followed.
- Explain why disciplinary action should/should not be taken.
- Provide an explanation about what action has been taken or will be taken to prevent such occurrences in the future.
- Enclose a purchase request in the amount of the unauthorized action.

**@ SIGNATURE OF DIRECTOR**

## Ratification of Unauthorized Action No. @

Funds were available pending availability of funds at the time the unauthorized act occurred. Funds are currently available per attached Purchase Request.

Certified by: \_\_\_\_\_  
Resource Analyst

Date \_\_\_\_\_

I have determined the price to be fair and reasonable and recommend payment.

Certified by: \_\_\_\_\_  
Contracting Officer

Date \_\_\_\_\_

Concur: \_\_\_\_\_  
Office of Chief Counsel

Date \_\_\_\_\_

Ratification:

Approved ☐

Not Approved ☐

\_\_\_\_\_  
Procurement Officer

Date \_\_\_\_\_